

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

SARA JANE “SALLY” JONES-MCNAMARA,

Plaintiff,

v.

HOLZER HEALTH SYSTEMS, INC.,

Defendant.

Case No. 2:13-cv-616

JUDGE GREGORY L. FROST

Magistrate Judge Terence P. Kemp

ORDER

This matter is before the Court for consideration of Plaintiff’s September 11, 2014 motion to strike Defendant’s eighth defense as waived (ECF No. 65) and Defendant’s memorandum in response (ECF No. 93). Without citing under which Federal Rule of Civil Procedure she is proceeding, Plaintiff asks this Court in her motion to strike the eighth defense from Defendant’s answer. (ECF No. 5 ¶ 117.) Plaintiff asserts that Defendant expressly waived this defense, the failure to join a necessary party, during the July 16, 2014 deposition of Brent Saunders. Defendant states in its memorandum in response that it has no objection to the motion to strike because it indeed agreed to withdraw the defense at issue.

In light of the parties’ agreement, the Court **GRANTS** the motion and strikes the withdrawn defense. (ECF No. 65.)

IT IS SO ORDERED.

/s/ Gregory L. Frost
GREGORY L. FROST
UNITED STATES DISTRICT JUDGE